

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-02354-KBJ**

CAUSE OF ACTION INSTITUTE v. INTERNAL REVENUE  
SERVICE

Assigned to: Judge Ketanji Brown Jackson

Cause: 05:552 Freedom of Information Act

Date Filed: 12/01/2016

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CAUSE OF ACTION INSTITUTE**

represented by **Ryan Patrick Mulvey**  
CAUSE OF ACTION INSTITUTE  
1875 Eye Street, NW  
Suite 800  
Washington, DC 20006  
(202) 499-4232  
Fax: (202) 330-5842  
Email: [ryan.mulvey@causeofaction.org](mailto:ryan.mulvey@causeofaction.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lee A. Steven**  
CAUSE OF ACTION INSTITUTE  
1875 Eye Street, NW  
Suite 800  
Washington, DC 20006  
(202) 400-2723  
Fax: (202) 330-5842  
Email: [lee.steven@causeofaction.org](mailto:lee.steven@causeofaction.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**INTERNAL REVENUE SERVICE**

represented by **Kieran O'Neill Carter**  
DEPARTMENT OF JUSTICE, TAX  
DIVISION  
Civil Trial Section, Eastern Region  
P.O. Box 227  
Washington, DC 20044  
(202) 616-1920  
Fax: (202) 514-6866  
Email: [kieran.o.carter@usdoj.gov](mailto:kieran.o.carter@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ryan O'Connor McMonagle**  
U.S. DEPARTMENT OF JUSTICE  
Tax Division  
Ben Franklin Station  
P.O. Box 227  
Washington, DC 20044  
(202) 307-1355  
Fax: (202) 514-6866  
Email: [ryan.mcmonagle@usdoj.gov](mailto:ryan.mcmonagle@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
------------	---	-------------

12/01/2016	<u>1</u>	COMPLAINT against INTERNAL REVENUE SERVICE ( Filing fee \$ 400 receipt number 0090-4761393) filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Civil Cover Sheet, # <u>15</u> Summons IRS, # <u>16</u> Summons AG, # <u>17</u> Summons Clerk)(Steven, Lee) (Entered: 12/01/2016)
12/01/2016	<u>2</u>	Corporate Disclosure Statement by CAUSE OF ACTION INSTITUTE. (Steven, Lee) (Entered: 12/01/2016)
12/01/2016	<u>3</u>	NOTICE of Appearance by Ryan Patrick Mulvey on behalf of CAUSE OF ACTION INSTITUTE (Mulvey, Ryan) (Entered: 12/01/2016)
12/02/2016		Case Assigned to Judge Ketanji Brown Jackson. (sb) (Entered: 12/02/2016)
12/02/2016	<u>4</u>	SUMMONS (3) Issued Electronically as to INTERNAL REVENUE SERVICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 12/02/2016)
12/05/2016	<u>5</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for briefing motions and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 12/5/2016. (lckbj1) (Entered: 12/05/2016)
12/06/2016	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. INTERNAL REVENUE SERVICE served on 12/5/2016 (Steven, Lee) (Entered: 12/06/2016)
12/06/2016	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/06/2016. (Steven, Lee) (Entered: 12/06/2016)
12/06/2016	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/6/2016. Answer due for ALL FEDERAL DEFENDANTS by 1/5/2017. (Steven, Lee) (Entered: 12/06/2016)
01/03/2017	<u>9</u>	NOTICE of Appearance by Kieran O'Neill Carter on behalf of INTERNAL REVENUE SERVICE (Carter, Kieran) (Entered: 01/03/2017)
01/04/2017	<u>10</u>	MOTION for Extension of Time to File Answer <i>or other Responsive Pleading to Complaint</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Carter, Kieran) (Entered: 01/04/2017)
01/09/2017		MINUTE ORDER granting, for good cause shown, <u>10</u> Consent Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the complaint on or before 2/21/201. Any further requests for extensions of time must comply with <u>5</u> the Court's General Order and Guidelines for Civil Cases. Counsel is specifically directed to Section 5 of the Appendix to the General Order and Guidelines. Signed by Judge Ketanji Brown Jackson on 1/9/2017. (lckbj1, ) (Entered: 01/09/2017)
02/21/2017	<u>11</u>	MOTION to Dismiss for Lack of Jurisdiction by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Thomas A. Barthold, # <u>3</u> Declaration of Scott S. Landes, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Index of Exhibits, # <u>7</u> Text of Proposed Order)(McMonagle, Ryan) (Entered: 02/21/2017)
03/03/2017	<u>12</u>	Memorandum in opposition to re <u>11</u> MOTION to Dismiss for Lack of Jurisdiction filed by CAUSE OF ACTION INSTITUTE. (Attachments: # <u>1</u> Declaration Mulvey, # <u>2</u> Text of Proposed Order)(Mulvey, Ryan) (Entered: 03/03/2017)
03/10/2017	<u>13</u>	REPLY to opposition to motion re <u>11</u> MOTION to Dismiss for Lack of Jurisdiction filed by INTERNAL REVENUE SERVICE. (Attachments: # <u>1</u> Declaration of Jonathan Davis)(McMonagle, Ryan) (Entered: 03/10/2017)

04/20/2017		MINUTE ORDER setting hearing on <u>11</u> Motion to Dismiss for 8/3/2017 at 10:30 AM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 04/20/2017. (lckbj1) (Entered: 04/20/2017)
06/07/2017		MINUTE ORDER. It is hereby ORDERED that the Hearing on <u>11</u> Motion to Dismiss currently set for 8/3/2017 at 10:30 AM is VACATED and RESET for 8/24/2017 at 10:30 AM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 06/07/2017. (lckbj1) (Entered: 06/07/2017)
08/24/2017		Minute Entry for proceedings held before Judge Ketanji Brown Jackson: Motion Hearing held on 8/24/2017 <u>11</u> MOTION to Dismiss for Lack of Jurisdiction. Oral arguments heard. Motion taken under advisement. (Court Reporter: Barbara DeVico) (kh) (Entered: 08/24/2017)
08/25/2017	<u>14</u>	MOTION to Permit <i>the Parties to File Supplemental Briefing</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Carter, Kieran) (Entered: 08/25/2017)
08/28/2017		MINUTE ORDER granting <u>14</u> Consent Motion for Supplemental Briefing. It is hereby ORDERED that Defendant's supplemental brief is due on or before 9/15/2017, and Plaintiff's supplemental brief is due on or before 10/6/2017. Given the parties' request to submit supplemental briefing, and the Court's granting of that request, it is FURTHER ORDERED this case is ADMINISTRATIVELY STAYED until further Order of this Court. This administrative stay has no effect on the parties' supplemental briefing obligations or any deadlines in this matter. Signed by Judge Ketanji Brown Jackson on 08/28/2017. (lckbj1) (Entered: 08/28/2017)
09/15/2017	<u>15</u>	SUPPLEMENTAL MEMORANDUM to re <u>11</u> MOTION to Dismiss for Lack of Jurisdiction filed by INTERNAL REVENUE SERVICE. (Carter, Kieran) (Entered: 09/15/2017)
10/04/2017	<u>16</u>	SUPPLEMENTAL MEMORANDUM to re <u>12</u> Memorandum in Opposition to Motion to Dismiss for Lack of Jurisdiction filed by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 10/04/2017)
11/28/2017	<u>17</u>	TRANSCRIPT OF PROCEEDINGS before Judge Ketanji Brown Jackson held on 8-24-17; Page Numbers: 1-91. Date of Issuance:11-28-17. Court Reporter/Transcriber Barbara DeVico, Telephone number 202-354-3118, Transcripts may be ordered by submitting the <a href="http://www.dcd.uscourts.gov/node/110">Transcript Order Form</a><P></P><P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, PDF or ASCII) may be purchased from the court reporter.<P> <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P>Redaction Request due 12/19/2017. Redacted Transcript Deadline set for 12/29/2017. Release of Transcript Restriction set for 2/26/2018.(DeVico, Barbara) (Entered: 11/28/2017)
07/17/2019	<u>18</u>	MEMORANDUM OPINION denying Defendant's <u>11</u> Motion to Dismiss. Signed by Judge Ketanji Brown Jackson on 7/17/2019. (lckbj2) (Entered: 07/17/2019)
07/17/2019	<u>19</u>	ORDER denying Defendant's <u>11</u> Motion to Dismiss. Signed by Judge Ketanji Brown Jackson on 7/17/2019. (lckbj2) (Entered: 07/17/2019)
07/31/2019	<u>20</u>	ANSWER to Complaint by INTERNAL REVENUE SERVICE.(McMonagle, Ryan) (Entered: 07/31/2019)
08/05/2019	<u>21</u>	SUPERSEDING GENERAL ORDER AND GUIDELINES FOR FOIA CASES ASSIGNED TO JUDGE KETANJI BROWN JACKSON. This Order supersedes this Court's prior <u>5</u> General Order and Guidelines for Civil Cases. The Court will hold the parties and counsel responsible for following these amended directives, and parties and counsel should pay particular attention to the Court's instructions for processing and production of records, batching motions, and filing exhibits. Failure to adhere to this

		Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 8/5/2019. (lckbj1) (Main Document 21 replaced on 8/6/2019) (zgdf). (Entered: 08/05/2019)
08/05/2019		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall review this Court's <u>21</u> Superseding General Order and Guidelines Applicable to FOIA Cases, and promptly confer and file a joint proposed schedule for disclosure or briefing motions for summary judgment, on or before 8/19/2019. Signed by Judge Ketanji Brown Jackson on 8/5/2019. (lckbj1) (Entered: 08/05/2019)
08/19/2019	<u>22</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (Carter, Kieran) (Entered: 08/19/2019)
08/27/2019		MINUTE ORDER. In light of the representations in the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that, on or before 9/30/2019, the parties shall file a further joint status report, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 8/27/2019. (lckbj1) (Entered: 08/27/2019)
09/30/2019	<u>23</u>	Joint STATUS REPORT by INTERNAL REVENUE SERVICE. (McMonagle, Ryan) (Entered: 09/30/2019)
10/03/2019		MINUTE ORDER. In light of the representations in the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that, on or before 10/28/2019, the parties shall file a further joint status report, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 10/3/2019. (lckbj1) (Entered: 10/03/2019)
10/04/2019		Set/Reset Deadlines: Joint Status Report due by 10/28/2019 (hs) (Entered: 10/04/2019)
10/08/2019		Set/Reset Deadlines: Joint Status Report due by 10/28/2019 (hs) (Entered: 10/08/2019)
10/28/2019	<u>24</u>	Joint STATUS REPORT by CAUSE OF ACTION INSTITUTE. (Mulvey, Ryan) (Entered: 10/28/2019)